

**CALENDAR ITEM**

**C29**

A 1

12/18/15

S 1

PRC 3883.1

B. Terry

**TERMINATION AND ISSUANCE OF A  
GENERAL LEASE – RECREATIONAL USE**

**LESSEE:**

Carole J. McNeil, Trustee of the Robert and Carole McNeil 2000 Trust dated November 15, 2000

**APPLICANT:**

MMAA, LLC, a Delaware limited liability company

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 9950 Lake Street, Assessor's Parcel Number (APN) 090-320-001 and 090-320-002, near Kings Beach, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier and three mooring buoys.

**LEASE TERM:**

10 years, beginning June 29, 2015.

**CONSIDERATION:**

\$4,119 per year, with an annual Consumer Price Index adjustment.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. If Lessee does not have a valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.

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2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. On April 23, 2014, the Commission authorized a 10-year General Lease – Recreational Use to Carole J. McNeil, Trustee of the Robert and Carole McNeil 2000 Trust dated November 15, 2000. The Lessee owned two contiguous littoral parcels and the lease covers a pier and two buoys adjacent to Assessor's Parcel Number (APN) 090-320-002 and one mooring buoy adjacent to APN 090-320-001. That lease will expire on April 22, 2024. On June 29, 2015, the uplands were deeded to MMAA, LLC, a Delaware Limited Liability Company. The Applicant is now applying for a General Lease – Recreational Use.
3. Staff recommends termination of the existing lease because the Lessee abandoned the lease by selling the property and facility without executing a quitclaim deed.
4. Termination of the lease is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (b)(5).

5. The staff recommends that the Commission find that issuance of the lease is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and

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through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

1. Authorize termination, effective June 28, 2015, of Lease No. PRC 3883.1, a General Lease – Recreational Use, issued to Carole J. McNeil, Trustee of the Robert and Carole McNeil 2000 Trust dated November 13, 2000.
2. Authorize issuance of a General Lease – Recreational Use to MMAA, LLC, a Delaware Limited Liability Company, beginning June 29, 2015, for a term of 10 years, for continued use and maintenance of an existing pier and three mooring buoys as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$4,119, with an annual Consumer Price Index adjustment; and liability insurance with coverage in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 3883.1**

**LAND DESCRIPTION**

Four parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 30, Township 16 North, Range 18 East, M.D.B.&M., as shown on Official Government Township Plat approved January 2, 1875, County of Placer, State of California, more particularly described as follows:

**PARCEL 1 - PIER**

All those lands underlying an existing rock-crib pier and catwalks lying adjacent to those parcels described in Grant Deed recorded June 29, 2015 as Document Number 2015-0055231-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

**PARCELS 2 thru 4 – BUOYS**

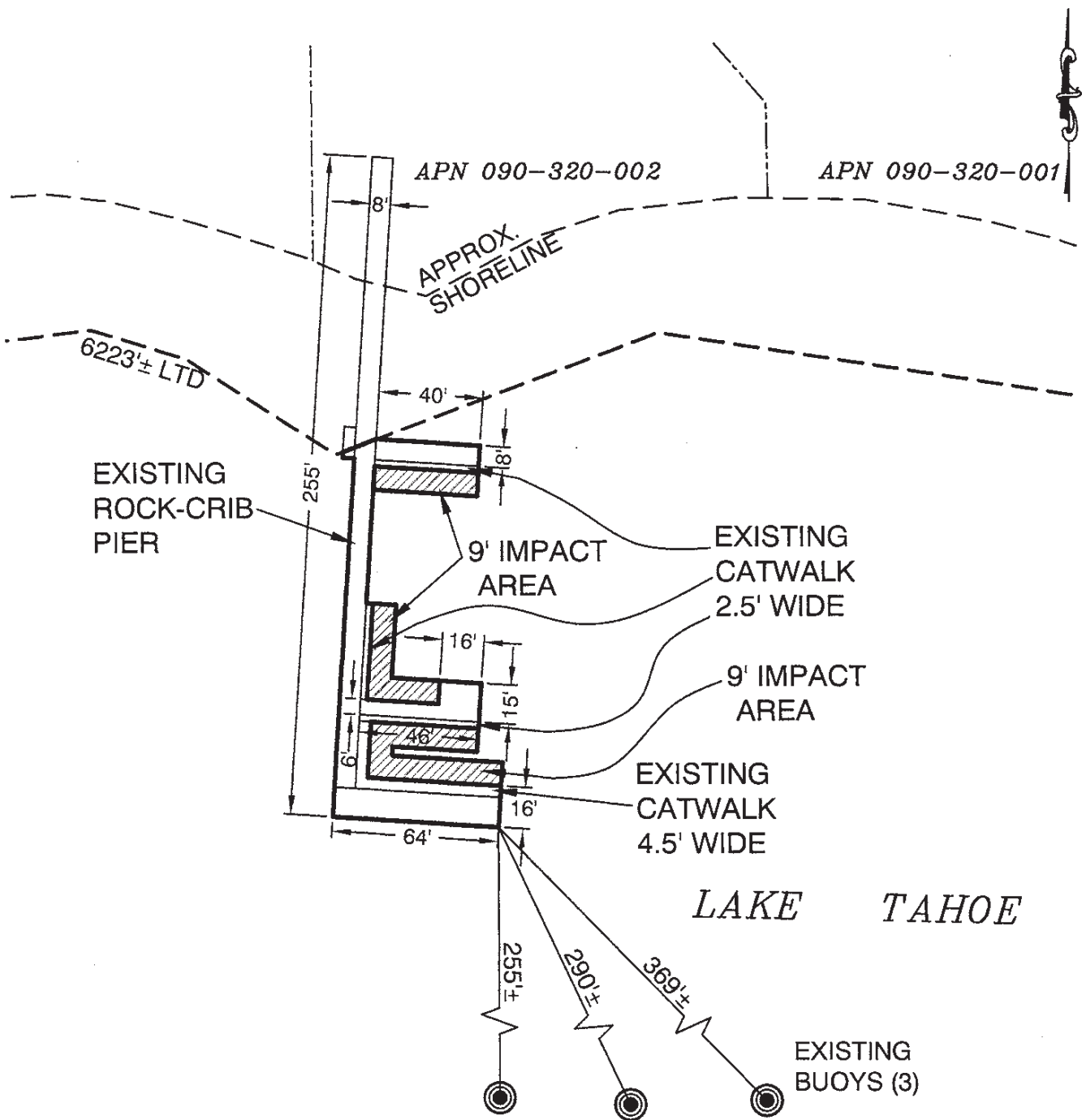
Three circular parcels of land, each being 50 feet in diameter, underlying three existing buoys lying adjacent to those parcels described in Grant Deed recorded June 29, 2015 as Document Number 2015-0055231-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 11/04/2015 by the California State Lands Commission Boundary Unit.





## EXHIBIT A

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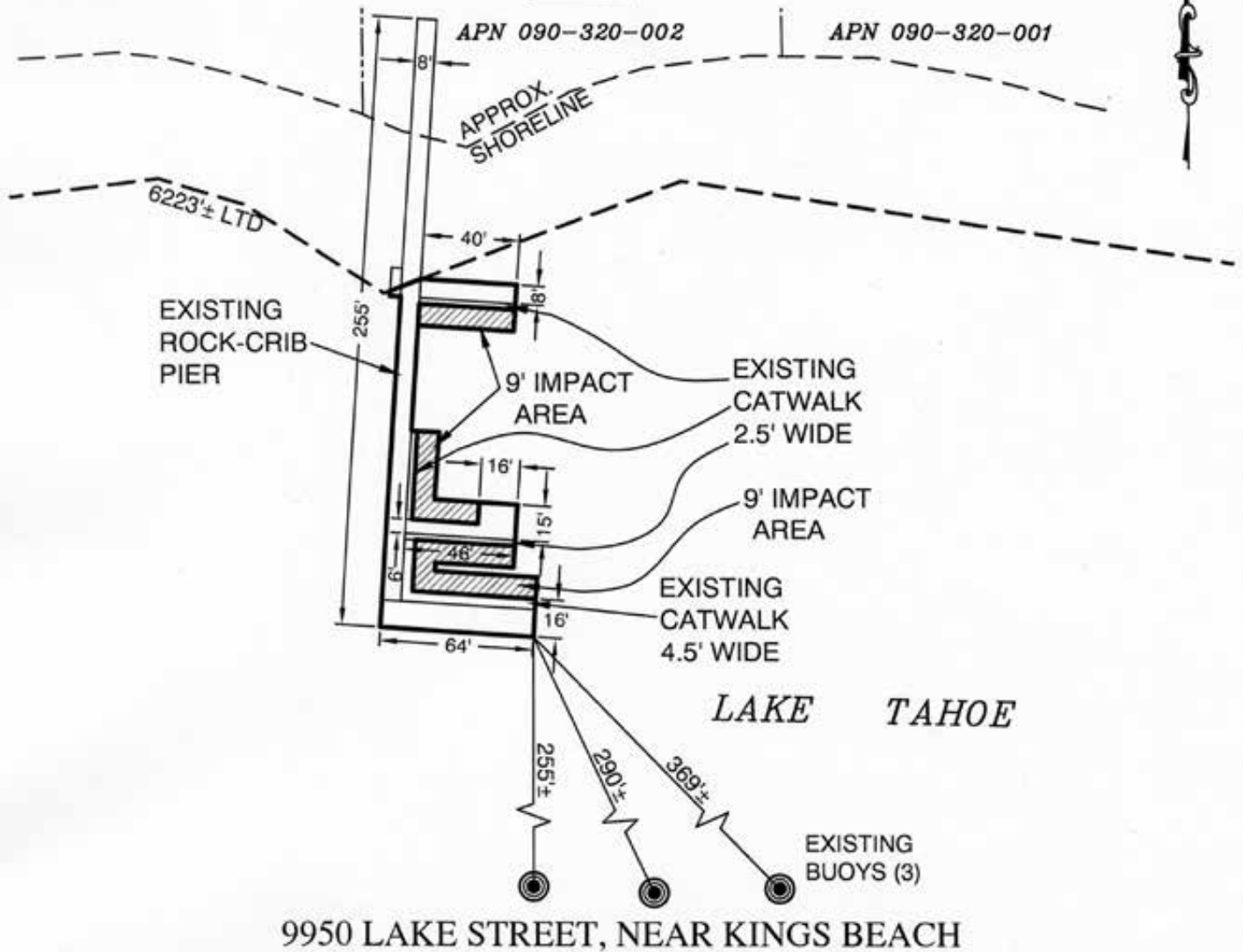
LAND DESCRIPTION PLAT  
PRC 3883.1, MMAA, LLC  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

## SITE



NO SCALE

## LOCATION



## Exhibit B

PRC 3883.1  
MMAA, LLC  
APNs 090-320-001 & -002  
GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



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This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.